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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,664	12/12/2003	Alan B. Goldschmidt	2526 US	6287

26356 7590 01/25/2007
ALCON
IP LEGAL, TB4-8
6201 SOUTH FREEWAY
FORT WORTH, TX 76134

EXAMINER

OSORIO, RICARDO

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/734,664

Applicant(s)

GOLDSCHMIDT ET AL.

Examiner

RICARDO L. OSORIO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 and 46-60 is/are allowed.
- 6) ☒ Claim(s) 18, 32-35 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 19-31 and 36-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/5/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 18, 32, 34, 35, and 45 are rejected under 35 U.S.C. 102(a) as being anticipated by Hellen Brown Elliott et al. (Elliott, hereafter US 2003/0103058).

Regarding claim 18, Elliott discloses a system for temporal dithering of an indicator, (see paragraphs 352 and 354) comprising a light emitting diode ("LED") indicator operable to display a light color (paragraph 104); a temporal dithering logic operable to drive the LED (paragraphs 308, 309, and 318); and an algorithm operable to control the temporal dithering logic and cause the LED indicator to sequentially display one or more light colors from a color palette associated with the LED indicator in a pattern determined to result in a perceived display color at the LED indicator (paragraphs 272, 273, and 280).

Regarding claim 32, Elliot teaches of the perceived display color lies on the color spectrum between the lowest frequency and the highest frequency light colors in the color palette (paragraph 106).

Regarding claim 34 and 35, Elliott teaches of a tri-color LED indicator and wherein the color palette comprises a red color, a green color and a blue color (336, and 347-350).

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Regarding claim 45, although not specifically mentioned, it is inherent that the algorithm is stored in a memory and that power source is needed for powering the memory, the LED indicator and the temporal dithering logic.

Claim Rejections - 35 USC § 103

3. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott (see above).

Elliott does not specifically mention that the LED indicator is a seven-segment LED indicator.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a seven-segment LED indicator in the device of Elliott because the seven-segment LED indicator is a well known application of indicators or displays using LED technology.

4. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot (see above) in view of Pryor (US 0929273).

Regarding claims 43 and 44, Elliot does not specifically teach of changing the perceived display color at the LED indicator based on a changing condition, wherein the changing condition is an exceeded limit of a parameter associated with the LED indicator.

Pryor teaches of changing the perceived display color at the LED indicator based on a changing condition, wherein the changing condition is an exceeded limit of a parameter associated with the LED indicator (paragraph 91).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the perceived display color of the LED indicator, as taught by Prior, in the device of Elliott because of the effect of room lighting on the LED color (paragraph 91).

Allowable Subject Matter

5. Claims 1-17 and 46-60 are allowed.

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The following is an examiner's statement of reasons for allowance: Claims 1-17 and 46-60 are allowable since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claims 1 and 46, "during each cycle of a preset cycling rate, cycling the LED indicator display color between the first color and one or more selected colors of the color palette, wherein the LED indicator is caused to display in turn the first color and each selected color of the color palette for a preset portion of each cycle determined to result in a perceived display color at the LED indicator. The closest prior art of record however singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Claims 19-31 and 36-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ricardo Osorio
PRIMARY EXAMINER
Technology Division: 2629

RLO

January 22, 2007